

ENTERED

June 27, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

RODOLFO VENTO,

Petitioner,

VS.

UNITED STATES OF AMERICA

Respondent.

§
§
§
§
§
§
§
§CIVIL ACTION NO. 1:23-CV-079
CRIMINAL ACTION NO. 1:19-CR-664-1**ORDER**

In May 2023, Petitioner Rodolfo Vento moved to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (Motion, Doc. 1) He alleges: (1) He received ineffective assistance of counsel at his trial; (2) Insufficient evidence supported the jury's verdict; and (3) The Court erred in applying a six-level enhancement for transporting between 25 and 99 aliens.

A Magistrate Judge recommends that the Motion be denied as meritless and that no Certificate of Appealability should issue. (R&R, Doc. 6) No party filed objections to the Report and Recommendation, and the Court finds no plain error within it.¹ See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 6). It is:


ORDERED that Petitioner Rodolfo Vento's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1) is **DENIED** as meritless.

In addition, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Vento fails to make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** a Certificate of Appealability.

¹ On June 13, 2023, the Court received a letter from an individual named Marysa Silva, who informed the Court that Vento had been in lockdown and had mailed his objections late. (Letter, Doc. 10) Silva also requested appointment of counsel for Vento. (*Id.*) The Court disregards the filing, as non-attorneys cannot represent individuals. See *Weber v. Garza*, 570 F.2d 511, 514 (5th Cir. 1978). And in any event, the Court never received the objections that the letter indicates Vento had mailed.

The Clerk of Court is directed to close this matter.

Signed on June 27, 2023.


Fernando Rodriguez, Jr.
United States District Judge